241

NOTIFICATION.

No. R.Fl. 5107—*Ex.* 6-21-39, *dated 8th May* 1923.

Opium Rules.

In exercise of the powers conferred by Sections 5 and 13 of the Opium Act, I of 1878, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules in supersession of all previous rules on the subject. These rules shall apply to the whole of the Mysore State.

INTERPRETATION.

I. In these rules, unless there be something repugnant in the subject or context—

(1) "Government" means the Government of His Highness the Maharaja of Mysore.

(2) "Excise Commissioner" means the Excise Commissioner in Mysore.

(3) "Deputy Commissioner" means the Chief Officer in charge of the revenue administration of a district for the time being, and includes any officer specially authorised by the Government to exercise all or any of the powers of a Deputy Commissioner under these rules.

(4) "Raw Opium" means the spontaneously coagulated juice obtained from the capsules of the *papaver somniferum*, which has only been submitted to the necessary manipulations for packing and transport, and also includes capsules from which the juice has not been extracted.

(5) "Prepared opium" means the product of raw opium obtained by a series of special operations, specially by dissolving, boiling, roasting, and fermentation, designed to transform it into an extract suitable for smoking, and includes *madak* and *chandu* and also dross and all other residues remaining when opium has been smoked.

(6) "Admixture of opium" means preparations, admixtures or derivatives of raw opium not being prepared opium, medicinal opium, morphine or heroine as defined in the Mysore Dangerous Drugs Rules.

(7) "Licensed Druggist" means a person who has obtained from the Deputy Commissioner a license for the sale for medicinal purposes only of raw opium and admixtures of opium.

(8) "Licensed vendor" means a person who has obtained from the Deputy Commissioner a license for the retail vend of raw opium or of admixtures of opium, or of both, otherwise than for medicinal purposes only.

(9) "Poppy-heads" means the heads or capsules of the poppy plant which have been lanced and dried or from which the juice has been extracted.

(10) "Seer" means a weight of 80 tolas.

(11) "Tola" means a weight of 180 grains (Troy).

(12) Raw opium and admixtures of opium shall be deemed to be sold "by retail" (or to be "retailed") when the quantity of raw opium and admixtures of opium sold to one person at one time does not exceed one tola in the aggregate.

MANUFACTURE.

II. (1) *By any person.*—Any person may manufacture for his private consumption from raw opium lawfully in his possession under Rule III admixtures of opium not exceeding one tola, or prepared opium not exceeding half a tola.

(2) *By licensed vendor.*—A licensed vendor may manufacture any quantity of admixtures of opium from raw opium lawfully in his possession as such licensed vendor.

(3) *By licensed druggist.*—A licensed druggist may manufacture at his licensed premises from raw opium lawfully in his possession admixtures of opium intended for medicinal purposes only.

POSSESSION.

III. (1) *By any person.*—Any person may have in his possession any quantity not exceeding one tola of raw opium or admixtures of opium, provided that the same has been—

(i) lawfully imported by him under Rule XIII, (ii) lawfully purchased from a licensed vendor, or (iii) lawfully manufactured from opium so imported or purchased.

(2) *By any person of prepared opium.*—Any person may possess any quantity of prepared opium not exceeding half a tola provided that the same has been (i) lawfully imported by him under Rule XIII, (ii) manufactured by him from raw opium lawfully possessed by him under Rule III provided:—

(*a*) that no person holding a license for any dealings in opium shall possess prepared opium on the premises covered by his license,

(*b*) that no assemblage of two or more persons shall have in their joint possession any quantity of prepared opium exceeding one tola.

IV. *By licensed vendor.*—A licensed vendor may possess at the premises covered by his license any quantity of raw opium lawfully obtained by him in the manner prescribed by the rules and any quantity of admixtures of opium lawfully manufactured by him from raw opium so obtained.

V. *By licensed druggist.*—A licensed druggist may possess at the premises covered by his license not more than one seer or such larger quantity (if any) as he is authorized by special order endorsed on his license to possess in the aggregate of raw opium and admixtures of opium lawfully obtained by him in the manner prescribed by the rules or manufactured from raw opium so obtained.

TRANSPORT BY LICENSED VENDORS AND LICENSED DRUGGISTS.

VI. The transport of raw opium and admixtures of opium by licensed vendors, and licensed druggists, is permitted under the following Rules, VII to XI.

VII. Raw opium transported from any Government Treasury shall be covered by a pass granted by the officer in charge.

VIII. A copy of every pass granted under Rule VII shall be sent to the Excise Inspector of the Range to which the consignment is to be transported.

IX. Transport from one shop to another of raw opium or admixtures of opium may be permitted under the special order in writing of the Deputy Commissioner of the District in which both the shops are situated.

X. Every pass or order issued under Rules VII and IX shall be retained in the shop of the licensed vendor or licensed druggist to which the consignment is made.

XI. Any Revenue Officer not inferior in rank to a Sheikdar, any Excise Officer not inferior in rank to a Sub-Inspector or any Police Officer not inferior in rank to a Sub-Inspector may, at any time, examine any consignment of raw opium or admixtures of opium in transit. If, after such examination, the officer finds that the quantity of raw opium or admixture of opium transported corresponds with the quantity specified in the pass, the consignment shall be allowed to proceed. Otherwise the consignment shall be retained pending the orders of the Deputy Commissioner who may charge, in respect of any excess or deficiency, double the rates payable under Rule XVI for raw opium supplied from the treasury and may also, on proof of malpractice, withdraw the licensed vendor's or druggist's license and otherwise deal with him as provided in the Opium Act, 1878.

IMPORT, EXPORT AND TRANSPORT.

XII. Raw opium required for use in the State is obtained either from the Opium Agent at Indore or from the Government of Madras on payment of the cost thereof. The price charged to the State is liable to variation from time to time.

XIII. Any person entering the State may import in his personal possession raw opium or admixtures of opium in quantities not exceeding one tola and prepared opium not exceeding half a tola, provided that the same has been lawfully purchased, or in the case of admixtures of opium or prepared opium lawfully manufactured by him, in the Province, State or other area from which it is imported.

XIV. Any person may transport, and export in his personal possession when leaving the State, raw opium and admixtures of opium not exceeding one tola and prepared opium not exceeding half a tola lawfully in his possession under Rule III.

XV. Rules VI to XIV regarding transport and import and export shall not be understood to permit the transmission of raw opium or admixtures of opium or prepared opium by post.

SALE.

XVI. Raw opium will be supplied on payment of the issue price at such rates as the Government may, from time to time, prescribe by notification in the Gazette, at any Taluk

or District Treasury in entire cakes of 20 or 40 tolas more or less to any licensed vendor or to any licensed druggist specially authorized by the Deputy Commissioner in this behalf.

XVII. Raw opium or admixtures of opium may be retailed under license from the Deputy Commissioner and in accordance with the conditions specified in the license and subject to the following rules XVIII to XX.

XVIII. (1) A licensed vendor may sell by retail to any person raw opium or admixtures of opium lawfully in his possession.

(2) A licensed vendor may sell—

(*a*) to a druggist licensed, for the sale for medicinal purposes of raw opium and its admixtures, or

(*b*) to the person in charge of a medical or veterinary institution especially admitted by the Excise Commissioner, in pursuance of the notification authorising him to grant such admission, to the benefit of the exemption from the operation of the provisions of the Act and the rules made thereunder regarding the manufacture, possession and sale for medicinal purposes of raw opium and its admixtures provided by the said notification for such institutions,

raw opium in quantities not exceeding one seer at a time or such larger quantity as such licensed druggist or person is authorized by special order endorsed on his license or order of exemption to possess at one time.

Provided that it shall be the duty of every licensed vendor effecting such sale—

(*a*) to obtain from the purchaser and to retain an acknowledgment in such form as may be prescribed in this behalf for the quantity purchased,

(*b*) to satisfy himself, by inspection of the druggist's license or of the order of exemption, if necessary, that the purchaser is a licensed druggist or a person in charge of such an institution as aforesaid,

(*c*) in the case of a sale to a licensed druggist, to satisfy himself that particulars of the purchase are entered in the space provided for that purpose in the druggist's license, and to sign the entry if he be literate.

XIX. A licensed druggist may sell at the premises covered by his license raw opium and admixtures of opium for medicinal purposes only, provided that the quantity of raw opium and admixtures of opium sold to any one person on one day shall not exceed one tola in the aggregate.

XX. The Government may from time to time fix the prices or fix the maximum and minimum prices at which raw opium or admixtures of opium may be retailed in any particular locality.

LICENSES.

XXI. Licenses may be granted by the Deputy Commissioner—

(1) for the retail vend of raw opium, or for the manufacture and retail vend of admixtures of opium, either jointly or severally,

(2) for the retail vend of raw opium and for the manufacture and retail vend of admixtures of opium by licensed druggists for medicinal purposes only.

The places at which alone shops for the retail vend of raw opium or of its admixtures, or both, will be permitted (*otherwise than for medicinal purposes only*) shall be determined from time to time by the Deputy Commissioner with the sanction of the Excise Commissioner, and at the commencement of each official year the monopoly of vend at each such shop of raw opium or admixtures of opium or both shall be put up to auction, *but* may in special cases be granted on tender or on fixed fees as the Government may order. Druggist's licenses will be granted on payment of a fixed fee of Re. 1 per annum.

XXII. The Deputy Commissioner may cancel or suspend a license or pass granted under the Opium Act or under these rules—

(*a*) if any fee or duty payable by the holder thereof be not duly paid; or

(*b*) in the event of any breach by the holder of such license or pass or by his servant or by any one acting with his express or implied permission on his behalf of any of the terms or conditions of such license or pass; or

(*c*) if the holder thereof is convicted of any offence against the Opium Act or any other law for the time being in force relating to the excise revenue, or of a breach of the peace or of any other criminal offence; or

(*d*) if the conditions of the license or pass provide for such cancellation or suspension at the will of the Deputy Commissioner.

XXIII. (1) *Composition.*—The Deputy Commissioner may accept from any person whose license is liable to be cancelled under Rule XXII *supra* payment of a sum of money not exceeding Rs. 200 in lieu of such cancellation.

(2) When the payment referred to in Sub-rule (1) has been duly made, no further proceedings shall be taken against such person in respect of the acts or omissions on account of which the license is then liable to cancellation.

XXIV. (1) If any licensed vendor has in his possession, on the expiry, cancellation or forfeiture of his license, any raw opium or admixtures of opium which he is unable to dispose of to the satisfaction of the Deputy Commissioner by private sale to other licensed vendors, he shall surrender the same to the Deputy Commissioner; and the incoming licensed vendor or, if the expired or cancelled or forfeited license is not renewed, any licensed vendor within the district, when required by the Deputy Commissioner, shall be bound to purchase the articles aforesaid to the extent of two months' supply at such price and in such quantities as the Deputy Commissioner shall adjudge; provided that the price of raw opium thus adjudged shall in no case exceed the rate at which it can be procured from the Government; provided also that, if such articles be declared by the Civil Surgeon or the Excise Commissioner to be unfit for use, the Deputy Commissioner shall cause them to be destroyed.

(2) In cases in which a license is suspended, the licensee shall surrender the stock in his possession to the Deputy Commissioner, to be returned to him or disposed of as provided in the case of expired or cancelled licenses, according as the suspended license is afterwards restored or cancelled.

DISPOSAL OF THINGS CONFISCATED.

XXV. (i) Raw opium confiscated under the Opium Act, 1878, shall be forwarded to the Chemical Examiner to Government for examination and if declared by him to be fit for use shall be sent to the Treasury. If declared to be unfit for use, it shall be immediately destroyed.

(ii) Admixtures of opium and prepared opium confiscated under the said Act shall be immediately destroyed.

(iii) The Deputy Commissioner shall dispose of all other things confiscated in connection with offences relating to raw opium, admixtures of opium and prepared opium in such manner as he may think fit.

REWARDS.

XXVI. Any Magistrate convicting an offender under Section 9, or any Magistrate or authorised officer ordering the confiscation of raw opium or any preparation or admixture of opium or intoxicating drug prepared from the poppy under Section 12 of the Opium Act, 1878, may grant a reward, not exceeding the value of the article or articles confiscated, plus the amount of any fine realised, in such proportions as he may think fit, to any person or persons who have contributed to the seizure of the article or articles or the conviction of the offender.

XXVII. If in any case the fine or forfeiture is not realised, the Deputy Commissioner may sanction such reasonable reward not exceeding the amount of the fine and forfeiture as may seem appropriate. The Government may also by general order declare what classes of Excise Officers shall be eligible to receive rewards, and what classes shall have no title to share therein.

POWERS OF THE EXCISE COMMISSIONER.

XXVIII. The Excise Commissioner may, in any special case, sanction the grant of a departmental reward not exceeding Rs. 50, and may recommend to Government the grant of special rewards exceeding Rs. 50.

POPPY HEADS.

XXIX. Poppy heads may be possessed, transported, sold, imported and exported by any person without restriction.

MISCELLANEOUS.

XXX. The Excise Commissioner may, consistently with the provisions of the Opium Act, 1878, and of these rules, determine from time to time as he may see fit,

(*a*) the conditions of the supply of opium from Government Treasuries to licensed vendors and licensed druggists and the procedure regulating such supply;

(*b*) the fees to be charged for licenses and passes granted in pursuance of these rules and the periods for which they shall be valid;

(*c*) the restrictions and conditions under which and the forms in which such licenses and passes should be granted; and

(*d*) the particulars which such licenses and passes shall contain.

All forms prescribed and subsidiary rules made by the Excise Commissioner under the above rules shall be published in the *Mysore Gazette*.

By Order,
T. E. JEYARAMA AIYAR,
Secretary to Government,
Revenue Department.